

CHAPTER NO. 891

SENATE BILL NO. 2651

By Ramsey, Crowe, Beavers, Black, Bowers, Bryson, Burchett, Burks, Cooper, Finney, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Curtis S. Person, Jr., Southerland, Tracy, Williams, Woodson, Mr. Speaker Wilder

Substituted for: House Bill No. 2649

By Godsey, Coleman, Strader, Campfield, DuBois, Montgomery, McCormick, Bo Watson, Niceley, Eldridge, Baird, Odom, Gresham, Hensley, West, Sontany, Harry Brooks, Curtis Johnson, Litz, Sargent, Maggart, Lynn, Marrero, Cooper, Shaw

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6 and Title 40, Chapter 35, relative to the collection of biological specimens from certain persons for DNA analysis.

WHEREAS, pursuant to § 38-6-113, it is the duty of the Tennessee Bureau of Investigation's Serology/DNA unit to perform DNA analysis in connection with appropriate criminal investigations in which human biological specimens have been recovered and report the data obtained to the appropriate parties; and

WHEREAS, the DNA analysis of human biological specimens has become a vital component of the criminal justice system because it can be used both to assist the district attorney in proving the guilt of a suspect or used to prove the innocence of a person accused of an offense; and

WHEREAS, because of the increased emphasis on the collection of DNA samples at crime scenes and elsewhere, and the improvements in officer training and collection methods, the bureau's laboratories currently have a backlog of approximately 425 criminal investigations awaiting DNA analysis and the average turnaround time for analyzing the DNA for a single criminal investigation is about 28 weeks; and

WHEREAS, the need for additional staff to perform the critical work of the bureau's Serology/DNA unit in an efficient and timely fashion was ably brought to the attention of this general assembly by the continuing tenacity, perseverance and courage of the family of Johnna Berry in their ceaseless quest to bring to justice the person who murdered their daughter and to try to prevent a similar tragedy from happening to someone else's child; and

WHEREAS, because justice delayed is often justice denied and delay further denies victims and families of victims the closure so necessary for the healing process, it is incumbent upon this general assembly to do everything in its power to assist the bureau in the swift performance of this essential step in the criminal justice system; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-6-103, is amended by adding the following as a new subsection:

(h) (1) Effective July 1, 2006, there is created within the Tennessee Bureau of Investigation's Serology/DNA unit, six (6) additional special agent/forensic scientist positions to perform DNA analysis in criminal investigations. Such positions shall be in addition to any such position that was created and funded prior to such date or that may be created in the future. The director shall determine to which of the bureau's forensic laboratories each of the six (6) special agents/forensic scientists employed pursuant to this subsection shall be assigned. Such assignments shall be based upon the number of criminal investigations requiring DNA analysis in each of the laboratories, the DNA analysis backlog and such other factors as the director determines will most quickly and efficiently reduce the backlog of DNA samples awaiting analysis.

(2) When the backlog of criminal investigations awaiting DNA analysis becomes current, the director shall continue to utilize these six (6) positions in the various bureau laboratories as is needed to prevent any future backlog of analysis requests and to expedite the analysis of future requests.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 26, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR